

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

LOS ANGELES UNIFIED SCHOOL
DISTRICT.

OAH Case No. 2014090189

ORDER FOLLOWING PREHEARING
CONFERENCE GRANTING
CONTINUANCE OF PREHEARING
CONFERENCE ONLY

On December 1, 2014, a telephonic prehearing conference was held before Administrative Law Judge B. Andrea Miles, Office of Administrative Hearings. Attorney Melissa Phung represented Los Angeles Unified School District. Attorney Jane DuBovy represented Student. The PHC was recorded.

Based on discussion with the parties, the following order is issued:

1. Motion for Continuance of Prehearing Conference: This matter is set for hearing on December 9 through December 11, 2014, and continuing day to day as needed at the discretion of the Administrative Law Judge. At the beginning of the PHC, the parties requested to continue the PHC on the grounds that the parties had reached a written agreement, which was being “circulated amongst the parties.” The parties wanted to make a good faith effort to resolve the case prior to participating in the PHC.

A due process hearing must be conducted and a decision rendered within 45 days of receipt of the due process notice unless an extension is granted. (34 C.F.R. § 300.515(a); Ed. Code, §§ 56502, subd. (f), 56505, subd. (f)(3).) Speedy resolution of the due process hearing is mandated by law and continuance of the hearing may be granted only upon a showing of good cause. (Ed. Code, § 56505, subd. (f)(3).) In ruling upon a motion for continuance, OAH is guided by the provisions found within the Administrative Procedure Act and the California Rules of Court that concern motions to continue. (Cal. Code Regs., tit. 1, § 1020; Cal. Rules of Court, rule 3.1332 .) Generally, continuances of matters are disfavored. (Cal. Rules of Court, rule 3.1332(c).)

The parties have established good cause in this case to continue the PHC. As such, the PHC is continued and this matter will be set for December 5, 2014, at 10:00 AM.

2. Scheduling of Due Process Hearing: The parties did not seek to continue the due process hearing. As such, the due process hearing dates remain as previously set:

December 9, 2014 at 9:30 AM, December 10 and 11, 2014 at 9:00 AM.
The hearing will and continue day to day, as needed, at the discretion of the Administrative Law Judge.

3. Notice to Witnesses: The parties shall immediately notify all potential witnesses of the hearing dates, and shall subpoena witnesses if necessary, to ensure that the witnesses will be available to testify. A witness will not be regarded as unavailable for purposes of showing good cause to continue the hearing if the witness is not properly notified of the hearing date or properly subpoenaed, as applicable.

4. Other Matters: All other matters relevant to preparing for hearing, including clarification of issues and identification and exhibits, will be addressed at the PHC on December 5, 2014.

5. Settlement: Dates for hearing will not be cancelled until a letter of withdrawal, or a request for dismissal and the signature page of the signed agreement has been received by OAH. Unless the proper documentation has been received by OAH, the parties should plan to attend the scheduled hearing, unless different arrangements have been agreed upon by the assigned ALJ.

IT IS SO ORDERED.

Dated: December 1, 2014

/s/

B. ANDREA MILES
Administrative Law Judge
Office of Administrative Hearings